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1 VOLUME 17 - OCTOBER 9, 2002
2
3 STATE OF MINNESOTA
4 OFFICE OF ADMINISTRATIVE HEARINGS
5
6 PUC DOCKET NO: P-421/CI-01-1371
7 OAH DOCKET NO. 7-2500-14486-2
8
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10 In the Matter of a Commission Investigation
11 into Qwest's Compliance with Section 271(c)(2)(B)
12 of the Telecommunications Act of 1996; Checklist
13 Items 1, 2, 4, 5, 6, 11, 13 and 14
14

15 Minnesota Public Utilities Commission
16 350 Metro Square Building
17 121 Seventh Place East
18 St. Paul, Minnesota
19

20 Met, pursuant to notice, at 9:00 in the
21 morning on October 9, 2002.
22

23 BEFORE: Judge Richard C. Luis
24 REPORTER: Janet Shaddix Elling
25

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0002

1 APPEARANCES:
2 JASON TOPP, Attorney at Law, Qwest
3 Corporation, 200 South Fifth Street, Room 395,
4 Minneapolis, Minnesota 55402, and ROBERT CATTANACH
5 and SHANNON HEIM, Attorneys at Law, Dorsey &
6 Whitney, 220 South Sixth Street, Suite 1700,
7 Minneapolis, Minnesota 55402, and CHUCK STEESE,
8 Attorney at Law, 6400 South Fiddlers Green Circle,
9 Suite 1710, Denver, Colorado 80111, and ANDREW D.
10 CRAIN, Attorney at Law, 1801 California Street,
11 49th Floor, Denver, Colorado 80202, appeared for
12 and on behalf of Qwest Corporation.
13 PRITI PATEL and GINNY ZELLER, Assistant
14 Attorneys General, 525 Park Street, Suite 200,
15 St. Paul, Minnesota 55103-2106, appeared for and
16 on behalf of the Department of Commerce.
17 CECILIA RAY, Attorney at Law, Moss &
18 Barnett, 90 South Seventh Street, Suite 4800,
19 Minneapolis, Minnesota 55402, appeared for and on
20 behalf of the CLEC Consortium.
21 LESLEY JAMES LEHR, Senior Attorney, 638
22 Summit Avenue, St. Paul, Minnesota 55105, appeared
23 for and on behalf of WorldCom.
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25

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0003

1 APPEARANCES: (CONTINUED)

2 REBECCA DeCOOK, STEVEN WEIGLER, LETTY
3 FRIESEN and RICHARD WALTERS, Attorneys at Law,
4 1875 Lawrence Street, 15th Floor, Denver, Colorado
5 80202, and MARK WITCHER, Attorney at Law, 919
6 Congress Avenue, Suite 900, Austin, Texas 78701,
7 appeared for and on behalf of AT&T.

8 K. MEGAN DOBERNECK, Attorney at Law,
9 7901 Lowry Boulevard, Denver, Colorado 80230,
10 appeared for and on behalf of Covad
11 Communications.

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13 COMMISSION STAFF:

14 Diane Wells and Ray Smith

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22 WHEREUPON, the following proceedings
23 were duly had and entered of record, to wit:

24

25

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0044

1 A Yes.

2 Q And since that time have you been collecting data
3 to see whether your claims of what kind of
4 incidents of trouble continue?

5 A Yes.

6 Q Has Qwest been dealing with Covad on a routine
7 basis since that time identifying the troubles
8 that it sees?

9 A I'm not quite sure I understand specifically what
10 you're referring to.

11 Q Since the meeting on this purported repair sharing
12 trial, did anyone at Qwest, or have people from
13 Qwest continued to get back with Covad saying
14 here's what we're seeing since you stopped using
15 this purported repair sharing technique?

16 A I don't know.

17 Q To the extent that a Qwest witness would get on
18 the stand and say that they have been tracking the
19 data and it's been one percent troubles, and that
20 the data that you're seeing in Exhibit 10, which
21 is the big performance measurement binder, tracks
22 virtually exact with what they're seeing, even
23 after the process is stopped, do you have any
24 evidence that would contradict that?

25 A I don't have any data with me.

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0045

1 Q So when you said earlier that repair sharing was,

2 quote, an agreed upon -- that was agreed upon
3 jointly between the parties, you have no knowledge
4 whatsoever of whether Qwest jointly agreed to any
5 repair sharing process; do you?
6 A Qwest was participating in the process. I don't
7 think they did that without -- we didn't twist
8 their arm to do that.
9 Q When you say Qwest was participating, you mean
10 Qwest technicians were doing something; correct?
11 Is that what you mean by Qwest?
12 A I'm not specifically aware of the titles of folks
13 who participated in the trial.
14 Q So when you say they agreed upon jointly, this was
15 not some sit-down meeting with Qwest saying let's
16 try a new process to see if this works better; did
17 you?
18 A I'm not aware of specifics, but if it took place
19 in more than one central office, my assumption is
20 that more than one or a couple technicians would
21 have to be involved, and that usually involves the
22 oversight of management.
23 Q But that's an assumption.
24 A An assumption.
25 Q That's not based on a single fact; is it?
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0046

1 A No.
2 Q You were talking about held orders and how you'd
3 be concerned that they do not show up in the data;
4 do you recall that?
5 A Yes.
6 Q Are you aware that Qwest has a measure, OP-15,
7 which identifies both the number of held orders
8 and the length of time that they're pending?
9 A Yes.
10 Q So it does show up in the data; doesn't it?
11 A Yes.
12 Q Let's talk about the loop qualification process
13 very briefly. I was confused about one point.
14 You said that, if I heard you correctly, that
15 Covad has a tool, and initially thoughts of
16 individual lines are run through that tool, and
17 then as a secondary measure the raw loop data tool
18 is used to compare; did I hear you correctly?
19 A Are you talking about line sharing or separate
20 loop provisioning?
21 Q Line sharing.
22 A Yes.
23 Q And let's assume that your tool -- do you have a
24 name for this tool?
25 A We refer to it internally as the Covad prequal
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0047

1 tool.
2 Q Let's assume that the Covad prequal tool shows --
3 I forgot your color scheme.
4 A Like a stoplight, green, orange, yellow. No, I'm

5 color-blind. Red, orange, green.
6 Q Let's assume it shows green.
7 A Yes.
8 Q And then you go to the raw loop data tool and it
9 shows the loop is not qualified. Do you submit
10 that order or not?
11 A No.
12 Q So if it shows up as your equivalent of red in
13 either place the order is held, is not sent?
14 A We don't get a red out of Qwest --
15 Q That's why I said the equivalent of red. If it
16 shows up as not qualified in either tool, you
17 don't submit the order?
18 A Correct.
19 Q Okay. In terms of the training that you were
20 talking about and the monitoring that you were
21 talking about, did you have occasion to also find
22 out more about the employee base of what we were
23 calling yesterday the order takers?
24 A You're going to have to be more specific.
25 Q Sure. Did you find out what kind of
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0048
1 qualifications that you require of those
2 individuals?
3 A I know in a general sense.
4 Q What's your general sense?
5 A My general sense is that they are technically
6 competent people.
7 Q Is a certain degree required?
8 A No.
9 Q Is a degree required at all, a college degree?
10 A No. Nor do I believe the same requirement holds
11 for Qwest provisioning folks.
12 Q It was just yesterday you couldn't recall, so...
13 And last, on the training, I thought you
14 said that there were certain people that went
15 through training at Qwest, and that the rest of
16 the order takers, for lack of a better term, got
17 the Qwest technical material to support the raw
18 loop data tool; did I hear that correctly?
19 A They're trained by the originally trained people,
20 if you will, yes, so they got training as well as
21 documentation.
22 Q And the documentation is not Covad created
23 documentation, it's the documentation created by
24 Qwest?
25 A Yes.
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0049
1 Q Let's turn to Exhibit 58, just the one page that
2 you were talking about underneath cable name. And
3 this was the third page, and on the top it shows
4 PON 1597711, this is one of seven loop, one of one
5 segment; do you see that?
6 A Yes.
7 Q If you look under cable name, do you see the

8 numbers underneath that, 1980 P?
9 A Yes.
10 Q What does that mean?
11 A Merely a cable numbering convention.
12 Q You're sure about that?
13 A Based on my experience with Verizon, I'm not a
14 Qwest expert.
15 Q Looking at pair gain type, what does that mean,
16 underneath that no PG?
17 A It means there's no pair gain on that cable.
18 Q Looking at pair number 1986, what does that mean?
19 A Specific pair number within that cable.
20 Q And so it's your testimony that this doesn't
21 provide you with much information. Did I hear
22 that correct? You could not make a decision based
23 on this information?
24 A I could not make an assumption about that
25 particular cable based on that information. What
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0050

1 I said was access to LFACS would give us a richer
2 set of data from which we could make decisions
3 around provisioning.
4 Q Turning to Exhibit 184. You testified that Qwest
5 has agreed to remove all bridge tap, even if it's
6 one foot?
7 A Yes.
8 Q Is that agreement to remove every foot of bridge
9 tap memorialized in any contract?
10 A I'm not familiar with all the contracts we have
11 with Qwest, but it's been our experience that that
12 is what -- that is what takes place.
13 Q To the extent that there is minimal bridge tap on
14 the loop and Covad could put its DSL service over
15 that, are you saying if there's any bridge tap,
16 even a foot, Covad won't use that line to provide
17 DSL service?
18 A Can you repeat the question?
19 Q Is it your testimony that Covad requires the
20 removal of every foot of bridge tap before it puts
21 DSL on a line?
22 A No.
23 Q You say that you're familiar generally with the
24 271 proceedings, at least in Colorado and
25 Washington; correct?
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0051

1 A Yes.
2 Q Are you aware that there was substantial
3 discussions that included Covad about how minimal
4 bridge tap are remaining on the loop with
5 regularity because there's some places that
6 removal of bridge tap would require retrenching?
7 A Yes.
8 Q And you're saying that Qwest goes and trenches and
9 digs holes in the ground on some occasion to
10 remove bridge tap because that's the process with

11 Covad?
12 A What I'm saying in this particular data set in the
13 exhibit, it is our experience that Qwest has
14 agreed to go out and remove all bridge tap. And
15 the record sitting in front of us indicates that
16 there still remains bridge tap. There's no
17 indication in this exhibit as to what the specific
18 conditions are of every single one of the pieces
19 of evidence here.

20 Q Where do you get your understanding?

21 A From our experience.

22 Q Where do you get your understanding that Qwest has
23 made this agreement to remove all bridge tap?

24 From whom?

25 A From our experience.

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0052

1 Q From -- who told you that since yesterday?

2 A I didn't say anything different from yesterday.
3 This was our experience.

4 Q So who have you talked to at Qwest who told you
5 that this was the process?

6 A I did not speak with anyone at Qwest.

7 Q So from whom do you get this understanding?

8 A I'll say it one more time, from our experience.

9 Q But you're saying our experience, I'm talking
10 about you. Where do you get this knowledge?

11 A Talking to Covad SMEs.

12 Q And which Covad SMEs are you talking to?

13 A Folks within our provisioning organization.

14 JUDGE LUIS: Tell me again, who are
15 SMEs?

16 THE WITNESS: Subject matter experts.

17 JUDGE LUIS: Thank you.

18 BY MR. STEESE:

19 Q And so is it their testimony -- is it your
20 testimony that if there is 15 feet of bridge tap,
21 an amount of bridge tap that would not inhibit in
22 any way Covad's ability to provision DSL service,
23 that it's Qwest process to remove that, even if
24 that would require retrenching to remove it; is
25 that your testimony?

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